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9 Attorneys for Defendant /Counterclaimant

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

KEVIN JOYCE,

Plaintiff,

v.

MIDWESTERN WHOLESALERS, INC., an  
Ohio corporation, and  
DOES 1 through 50, inclusive,

Defendants.

AMERICAN TIMBER AND STEEL CO.,  
INC., f/k/a MIDWESTERN  
WHOLESALERS, INC., an Ohio Corporation,

Counterclaimant,

vs.

KEVIN JOYCE, an individual, and ROES  
1 through 10, inclusive,

Counter-Defendants.

**CASE NO. C 07-05404 JCS (MED)**

**Assigned to Hon. Joseph C. Spero**

**UPDATED JOINT CASE  
MANAGEMENT STATEMENT**

**CMC Date: April 4, 2008**

**Time: 10:30 a.m.**

**Courtroom: A**

**[Telephonic Appearance by  
Defendant/Counterclaimant]**

The parties respectfully submit this Updated Joint Case Management Conference Statement, as ordered by the Court in its minute order following the initial Case Management Conference held on February 8, 2008.

1 A mediation was held under the Court's ADR program on March 27, 2008. The  
2 parties, however, were not able to resolve the matter.

3 Two issues hindering settlement are determining (i) the number of vacation days  
4 plaintiff/counter-defendant Kevin Joyce took during his employment, and (ii) the nature  
5 and extent of Joyce's work for other businesses while employed by defendant/  
6 counterclaimant American Timber and Steel Co., Inc.

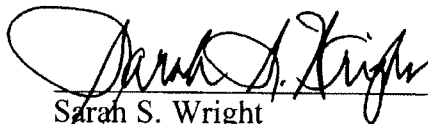
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8 The parties thus propose focusing their initial discovery on these issues. After  
9 conducting such narrow discovery, the parties believe they will be better able to make  
10 informed decisions on whether to settle.

11 To permit the parties sufficient time to first conduct narrow discovery on the two  
12 issues discussed above, and then to conduct broader discovery thereafter if necessary, the  
13 parties respectfully request that all dates in this action (including the current discovery  
14 cutoff of August 1, 2008) be continued two months.

15  
16 DATED: March 28, 2008

17 THE WRIGHT LAW FIRM

18  
19 By



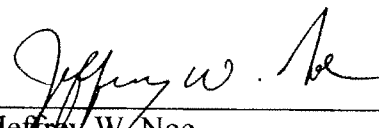
Sarah S. Wright

Attorneys for Plaintiff/Counter-Defendant

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22 DATED: March 28, 2008

23 KLEIN, DENATALE, GOLDNER, COOPER,  
24 ROSENLIB & KIMBALL, LLP

25  
26 By



Jeffrey W. Noe

Attorneys for Defendant/Counterclaimant